

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

IN THE MATTER OF:)	COMPLAINT NO. 00-072
GUADALUPE RUBBISH DISPOSAL CO., INC.)	
FOR DISCHARGE OF LEACHATE INTO AN)	ADMINISTRATIVE
UNNAMED CREEK)	CIVIL LIABILITY
SAN JOSE, SANTA CLARA COUNTY)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. You are alleged to have violated provisions of law for which the Regional Water Quality Control Board, San Francisco Bay Region (the Regional Board) may impose civil liability under Section 13385 of the California Water Code.
2. Unless waived, a hearing on this matter will be held before the Regional Board on October 18, 2000 at the Elihu M. Harris State Office Building, First Floor Auditorium, located at 1515 Clay Street in Oakland, California. You or your representatives will have the opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the Regional Board. An agenda showing the time set for the hearing will be mailed to you not less than 10 days before the hearing date. You must submit copies of any written evidence concerning this Complaint to the Board by October 6, 2000.
3. At the hearing, the Regional Board will consider whether to affirm, reject or modify the proposed administrative civil liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

ALLEGATIONS

4. You are alleged to have violated California Water Code Section 13385, by discharging leachate into an unnamed creek, Waters of the State and a potential source of drinking water as defined in State Water Resources Control Board Resolution No. 88-63, in violation of Prohibition 8 of the Waste Discharge Requirements contained in Board Order No. 90-139.
5. The following facts are the basis for the alleged violation in this matter:

a. **Background:**

The Guadalupe Rubbish Disposal Company (the discharger), which is owned by Waste Management Inc., operates a 65-acre Class III landfill located in the Santa Cruz Mountain foothills south of San Jose (see Figure 1). Waste Discharge Requirements for the landfill are contained in Board

Order No. 90-163. Prohibition 8 of the Order states "leachate from wastes ... shall not be discharged to waters of the State or the United States."

b. Nature and circumstances of the violation:

The discharger released about 500 gallons of leachate from LW-2 at the eastern edge of the landfill, which then flowed off-site into a dry drainage channel. The LW-2 collection point collects leachate from a six-acre lined area of the landfill. The leachate flows by gravity to a storage tank within a containment structure. There is a valve at the tank inlet that is normally closed. This valve is manually opened when the collection system is drained to the storage tank. When the tank reaches its capacity, the valve is then closed and the tank is pumped into a water truck, then discharged under permit to the sewage system. On the morning of July 10, the storage tank was emptied but the valve was left open afterwards. Forty-five minutes after the tank was emptied, an operator returned to find that the tank and the containment structure were overflowing.

c. Extent and gravity of the violation:

The leachate overflowed the containment structure then flowed into the offsite drainage channel that was dry at that time. The flow into the channel continued for about 20 minutes, and reached about 450 feet down the channel. The release volume was estimated at 500 gallons, of which about 160 gallons were pumped from the channel. The remaining 340 gallons would have either evaporated, soaked into the soil and possibly to underflow, or were collected by the absorbent materials applied by the discharger. Minimal water quality impacts were reported or observed.

d. Susceptibility of cleanup or abatement of the discharge:

Since the channel was dry, the release was more amenable to cleanup than if discharged to flowing water, and the discharger took appropriate cleanup steps.

e. Degree of toxicity of the discharge:

The leachate flowed into a channel that is ultimately a tributary to the Santa Clara Valley Water District percolation ponds. The discharger took several samples of the leachate from the storage tank, which is assumed to be the same as the waste discharged. The analyses taken from the storage tank showed the following values in excess of California drinking water standards:

i. Degree of culpability of the discharger:

While unintentional, the discharge resulted from an operator error that was completely preventable.

j. Economic Savings resulting from the violation:

There are no net economic savings, as the avoided costs of hauling and disposing of the spilled leachate are less than the costs incurred in its cleanup.

k. Other Matters as Justice May Require:

Staff time to respond to the spill and to prepare the Complaint and Staff Report totaled 30 hours, at an average cost to the State of \$100 per hour. The total staff cost to date is \$3000.

6. Issuance of this Complaint is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15321(a)(2), Title 14 of the California Code of Regulations.

PROPOSED CIVIL LIABILITY

7. The maximum civil liability that potentially could be imposed by the Regional Board in this matter, under Section 13385 of the Water Code, is the amount not to exceed the sum of both of the following:
- a. \$10,000 for each day in which the violation occurs, plus;
 - b. Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

In this matter, the maximum liability would be \$10,000 for the one-day of discharge.

8. The Executive Officer of the Regional Board proposes that administrative civil liability be imposed by the Regional Board under Section 13385 of the Water Code in the amount of \$10,000. Staff costs of \$3000 are included in this amount. The proposed liability exceeds the economic benefits derived from the discharge of the leachate.

WAIVER OF HEARING

You may waive the right to a hearing. If you wish to waive the hearing, an authorized person must check and sign the waiver and return it to the Executive Officer, with attention to Alan Friedman, Regional Water Quality Control Board, San Francisco Bay Region, 1515 clay Street, Suite 1400, Oakland, CA 94612. If you do not waive the hearing, the payment of the civil liability is due within 30 days after the Board adopts an order assessing civil liability.

If you should have any questions, please contact the Acting Executive Officer, Lawrence P. Kolb, at (510) 622-2372 or the Regional Board Counsel, Sheryl Freeman at (916) 657-2406.

WAIVER

- ☐ By checking this box, I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 00-072, and to remit payment for the civil liability imposed. I understand that I am giving up my right to be heard, and to argue against the allegations made by the Executive Officer in this Complaint, and against the imposition of or the amount of, civil liability proposed. I further agree to remit payment for the civil liability imposed within 30 days after the waiver is signed.

Name (Print)

Signature

Title/Organization

Date

Attachment 1: Letter from Guadalupe, July 25, 2000.

Attachment 2: Supplemental Environmental Project Description

Figure 1: Location Map



GUADALUPE RUBBISH DISPOSAL COMPANY, INC.

P.O. BOX 20957 • SAN JOSE, CALIFORNIA 95160 • PHONE (408) 268-1670 • FAX (408) 268-7451

CALIFORNIA REGIONAL WATER

JUL 27 2000

QUALITY CONTROL BOARD

July 25, 2000

Mr. Alan Friedman
CRWQCB, San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Ref: File No. 2213.8068: Leachate Release From Eastern Storage Tank
Guadalupe Landfill, San Jose, CA

Dear Alan:

On July 10, 2000 the Guadalupe Landfill experienced a leachate release at the eastern perimeter of the site that flowed off-site into a dry drainage channel. This release originated from the eastern leachate collection and removal system storage tank that drains what is designated as LW-2. A valve was left open that caused the tank and secondary containment to overflow, releasing an estimated five hundred gallons of leachate. The release was contained about 450 feet down gradient of the tank. This report was prepared to discuss the system and the release, and includes the following:

- Procedure used at LW-2 collection point.
- Circumstances that led to the release.
- Remediation efforts to contain and clean up the release.
- Subsequent training and procedural changes implemented to prevent reoccurrence.
- Future alternatives identified to reduce the reoccurrence of releases at the site.

Procedure used at LW-2 collection point

This leachate collection system has been in operation since January 1993. The current system collects leachate from a six-acre composite lined area of the landfill as well as a collection drain that extends around the southern perimeter of the site. These areas are gravity drained to the 5,000 gallon eastern storage tank located inside a concrete secondary containment structure. The drainage from the collection system piping to the storage tank is controlled by means of a manual valve at the storage tank location. The valve is opened on a regular basis to evacuate liquid from the collection system to the storage tank. Once the collection system is drained, or the quantity of leachate collected in the tank reaches about 3,500 gallons, the tank is pumped into a water truck using a gas powered pump. The leachate is then transported by truck to the western side of the facility where it is discharged under permit into the sewer system. During winter months several loads (2500-3000 gallons) may be removed each day, whereas only one load may be removed each week in the summer.

Mr. Alan Friedman

July 25, 2000

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Future alternatives identified to reduce the reoccurrence of releases at the site


Long-term considerations could include one of the following possibilities:

- Obtain a pipeline easement for direct disposal to the POTW sewer system to the east and offsite;
- Obtain an automatic tank alert system;
- Provide supplemental secondary containment;
- Provide a pump system for disposal to the POTW sewer system at the western site limits.

The long-term alternatives will be evaluated by Waste Management engineering staff and engineering consultants retained by the Guadalupe Landfill.

If you should have any further questions regarding this matter, please do not hesitate to call.

Very Truly Yours,



Paul Michael

District Manager

Guadalupe Rubbish Disposal Company, Inc.

cc: Doug Diemer, Waste Management
Dennis Ferrier, City of San Jose Department of Planning
Tom I. Iwamura, Santa Clara Valley Water District
Richard Bryson, Santa Clara County Haz Mat
J. Brett Calhoun, Santa Clara Valley Water District
Jim Ervin, San Jose/Santa Clara Water Pollution Control Plant

MAILING LIST:

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